

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

HOLLY NEWMAN,

§

Plaintiff,

§

vs.

§

Case No. 4:23-cv-01388

DIRECT ENERGY, LP,

§

Defendant.

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§

§

**NOTICE OF RELATED LITIGATION**

Pursuant to Local Rule 5.2, Direct Energy, LP notifies the Court that this case is related to *Burk v. Direct Energy, LP*, Case No. 4:19-cv-00663. As described in the attached order granting transfer from the District of Maryland, Judge Hanks presided over a virtually identical TCPA putative class action in *Burk* for years. *See Newman v. Direct Energy, L.P.*, Case No. SAG-21-02446, 2023 WL 2914788, at \*1 (D. Md. Apr. 12, 2023), attached as Exhibit 1. This case is not just related to *Burk* but it is so intertwined that the same plaintiffs' counsel filed it mere days after Judge Hanks denied certification of the same (but geographically) larger class. *See id.* at \*1 & n.1.

Faced with similar circumstances, Judge Barbara Lynn of the Northern District of Texas issued a *sua sponte* order reassigning a transferred-in case to her colleague Judge Ed Kinkeade, who had presided over the original case with virtually identical allegations that was the basis for transfer. *Harris v. Progressive Ins., Inc.*, No. 3:13-CV-3983-K (Docs. 32, 39) (N.D. Tex. Oct. 24, 2013), attached as Exhibits 2-3.

Dated: April 17, 2023

Respectfully submitted,

By: /s/Michael D. Matthews, Jr.

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**ATTORNEYS FOR DEFENDANT DIRECT  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served on the 17th day of April, 2023 via CM/ECF on all counsel of record.

/s/Michael D. Matthews, Jr.

Michael D. Matthews, Jr.